

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
CHRISTOPHER P. FREY  
3 Assistant Federal Public Defender  
Nevada State Bar No. 10589  
4 200 S. Virginia Street, Suite 340  
Reno, Nevada 89501  
5 (775) 321-8451/Tel.  
(702) 388-6261/Fax  
6 chris\_frey@fd.org

7 Attorney for ALFREDO SALAS-SILVA

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ALFREDO SALAS-SILVA,

15 Defendant.  
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Case No. 3:20-cr-00054-RCJ-CLB

**MOTION TO DISMISS**

17 Mr. Salas-Silva moves through his counsel, Christopher Frey, Assistant Federal Public  
18 Defender, to dismiss the indictment against him on the grounds that Section 1326 violates the  
19 equal protection guarantee of the Fifth Amendment under the standard articulated in *Village of*  
20 *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). Mr.  
21 Salas-Silva incorporates by reference the record in *United States v. Carrillo-Lopez*, No. 3:20-  
22 cr-00026-MMD-WGC, including the order dismissing the indictment against Mr. Carrillo-  
23 Lopez, finding he established that Section 1326 was enacted with a discriminatory purpose and  
24 that the law has a disparate impact on Latinx persons, and the government failed to show that  
25 Section 1326 would have been enacted absent racial animus. *Id.* at ECF No. 60.  
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1 A similar motion was granted in *United States v. Carlos Vasquez-Ortiz*, 3:21-cr-  
2 0023\_MMD-WGC, based on the arguments and evidence incorporated by reference from  
3 *Carillo-Lopez*. ECF No. 29. For the reasons set forth in the Court's order in *United States v.*  
4 *Carrillo-Lopez*, 3:20-cr-00026-MMD-WGC (ECF No. 60), and in keeping with the dismissal  
5 granted in *Vasquez-Ortiz*, Mr. Salas-Silva respectfully requests that the indictment against be  
6 dismissed with prejudice. Both *Carillo-Lopez* and *Vasquez-Ortiz* are currently pending appeal  
7 in the Ninth Circuit Court of Appeals.

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9 DATED this 22nd day of April, 2022.

10 RENE L. VALLADARES  
11 Federal Public Defender

12 By: /s/ Christopher Frey

13 CHRISTOPHER FREY  
14 Assistant Federal Public Defender  
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**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on April 22, 2022, she served an electronic copy of the above and foregoing MOTION TO DISMISS by electronic service (ECF) to the person named below:

CHRISTOPHER CHIOU  
Acting United States Attorney  
RANDOLPH J. ST. CLAIR  
Assistant United States Attorney  
400 South Virginia Street, Suite 900  
Reno, NV 89501

/s/ Katrina Burden  
Employee of the Federal Public Defender